

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:05CR3017
v.)	
)	
KENNETH SLOMINSKI and)	MEMORANDUM AND ORDER
GARY R. MUELLER,)	
)	
Defendants.)	
_____)	

Counsel for the parties convened with the court in chambers on this date pursuant to Fed. R. Crim. P. 17.1 for purposes of facilitating the expeditious progression of this case to trial. Government counsel reported that on July 6, 2006 preliminary exhibit and witness lists had been provided to the defendants' attorneys and all counsel had discussed appropriate scheduling. Some agreements had been reached, and other matters remained for the court to address and decide. In accordance with the discussion during the conference,

IT IS ORDERED:

1. Trial of this case is set to commence at 9:00 a.m. on **April 2, 2007** in Courtroom #1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln Nebraska, before the Hon. Richard G. Kopf, United States District Judge and a jury. Jury selection shall be at commencement of trial. Trial is scheduled for a duration of four trial days.

2. By **August 7, 2006** plaintiff's counsel shall provide opposing counsel copies of all exhibits on the preliminary exhibit list which was served July 6, 2006 and which have not

previously been provided to the defendants. Defendants shall have thirty days following service of the copies to file their waivers of foundation or objections on foundation grounds to those exhibits. By **October 13, 2006** defendants shall serve plaintiff's counsel with a preliminary exhibit list of exhibits expected to be utilized at trial, and with copies of those exhibits which have not previously been delivered to plaintiff's counsel. A preliminary list of defendants' witnesses shall also be served at that time. Plaintiff shall have thirty days following service of the exhibit list and copies to file its objections to defense exhibits on foundation grounds or its waiver of such objections. ("Foundation" in this context is the information a custodian of records would testify to in establishing only that the exhibit is what it is purported to be; it does not include other objections, such as relevance or hearsay). It is understood and agreed that the exhibit lists disclosed pursuant to this paragraph may be supplemented before trial if additional or conflicting information and/or exhibits become available; counsel agree to make such supplemental disclosures as soon as practicable once the additional information and/or exhibits become known, in keeping with a policy of mutual, full disclosure to the extent practicable.

3. Motions to dismiss this case on Speedy Trial grounds pursuant to 18 U.S.C. § 3161 *et seq.* and/or Zedner v. United States, ___S.Ct.___, 2006 WL 1519360 (U.S., June 05, 2006) shall be filed on or before **August 7, 2006**.

4. Motions to sever, including motions under Bruton v. United States, 391 U.S. 123 (1968), shall be filed on or before **August 7, 2006**.

5. Jencks Act materials shall be provided to defense counsel on or before **forty-five days before trial**. By agreement, the government shall continue to provide FBI 302s to defense counsel as they become available.

6. All parties shall disclose expert witnesses expected to testify during the trial on or before **forty-five days before trial**. Unless otherwise agreed by counsel, such disclosures shall be in the form required for expert witness disclosures by Fed. R. Civ. P. 26(a)(2).

7. Motions *in limine*, and/or matters pertaining to immunized testimony, and/or matters included in Federal Rule of Evidence 104, and/or matters otherwise addressing the adducement of evidence during the trial, other than motions made under Bruton v. United States, 391 U.S. 123 (1968), shall be filed on

or before **February 5, 2007**. If necessary, such motions may be filed under seal.

DATED: July 7, 2006

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge